

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA

v.

Docket No.: 2:18-cr-215

JAY JAMES FIELDS

**DEFENDANT'S MOTION TO SUPPRESS EVIDENCE
OBTAINED AT A STOP MADE WITHOUT REASONABLE SUSPICION,
WHICH VIOLATED DEFENDANT'S RIGHTS UNDER THE
FOURTH AMENDMENT OF THE UNITED STATE CONSTITUTION**

COMES NOW Defendant Jay James Fields, by counsel Andrew J. Katz and moves this honorable Court to suppress certain evidence obtained as a result of a stop made without reasonable suspicion. In support of his Motion, Defendant alleges the following:

1. On or about November 3, 2017, the Logan County 911 call center received a call regarding two “suspicious” individuals, a man and a woman, who were possibly in possession of narcotics and seemed to be carrying a gun¹. The caller gave said that the man had “straggly hair” and described what he was wearing. The caller also stated that the female had pink hair color.
2. The 911 dispatch officer put out a call for an officer in Greenville or on Greenville Road. A Logan County Sheriff’s Deputy responded to such call. The 911 dispatcher made a reference on the radio to the Deputy Sheriff to “671, Greenville Road,” that he received a 911 call about “signal 24 activity” and that there were two suspicious individuals, a white male

¹ The Government provided a copy of the 911 call and of the subsequent dispatch that lead to Mr. Fields being stopped. With the Court’s permission, Defendant will play a copy of these brief recordings at the suppression hearing.

wearing a white hoodie (sweatshirt) and blue jeans and a white female wearing a pink sweater².

3. The 911 dispatcher did not provide the callers name or any further information to the Deputy.

4. Upon information and belief, the Deputy who arrested Mr. Fields was not on duty at the time.

5. The arresting deputy spotted Mr. Fields and his girlfriend walking in or near Man, West Virginia. The Deputy pulled over got out of his vehicle and approached Mr. Fields. See Police Report identified in discovery as Exhibit B, but attached hereto as Exhibit 1. The factual assertions are taken from that document. He instructed Mr. Fields that he wanted to talk to him and that he was to move to the rear of his (the Deputy's) vehicle. When Defendant hesitated, the Deputy repeated the command. At that point, Mr. Fields started to flee. During the pursuit, the Deputy grabbed at Mr. Field's sweatshirt, which came off his back. At this point, a gun that Defendant had on his person fell to the ground. Defendant is charged with carrying a firearm when he prevented by law from doing so due to his past conviction of an offense whose sentence was greater than one year and one day.

6. The "stop" by the Deputy occurred before the flight and before the gun was discovered.

7. As will be explained in the Memorandum filed herewith, these facts demonstrate that the Deputy who "stopped" Mr. Fields did not have sufficient information to create a reasonable, suspicion that a crime had been or was about to be committed. Thus, such stop violated Mr.

²This last piece of information was inaccurate as the 911 caller actually said that the female had pink hair, not a pink sweater.

Fields right to be free from unreasonable searches and seizures under the Fourth Amendment to the United States Constitution.

WHEREFORE, Defendant requests that his Motion to Suppress be granted and this Honorable Court rule that any evidence obtained after Mr. Fields was unlawfully stopped is inadmissible at trial.

JAY JAMES FIELDS
By Counsel

S/ Andrew J. Katz
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CERTIFICATE OF SERVICE

I, Andrew J. Katz, counsel for Defendant Jay James Fields. do hereby certify that I have on the 27th day of February, 2019 caused to be served a true copy of Defendant's **DEFENDANT'S MOTION TO SUPPRESS EVIDENCE OBTAINED AT A STOP MADE WITHOUT REASONABLE SUSPICION WHICH VIOLATED DEFENDANT'S RIGHTS UNDER THE FOURTH AMENDMENT OF THE UNITED STATE CONSTITUTION**, via email transmission through the CM/ECF filing system on the following individual:

Christopher R. Arthur, Assistant
United States Attorney

S/ Andrew J. Katz
Andrew J. Katz (6615)